

REMARKS

This responds to the Office Action mailed on November 1, 2006. Claim 21 has been amended to cure an antecedent basis error and not to overcome any art of record.

35 U.S.C. §101 Rejection of the Claims

Claims 30-45 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The claims were rejected as being directed to propagated signals, which conflicts with current policy of the United States Patent and Trademark Office. The specification has been amended to advance prosecution, even though Applicant disagrees with the legal support asserted for this current policy. The specification has been amended to more clearly distinguish between the two different types of machine-readable media already disclosed in the specification, (machine-readable storage medium and machine-readable propagation medium). The amendment distinguishes between the storage medium examples and the propagation medium examples. Claims 30, 36, and 41 have also been amended to specifically recite a "machine-readable storage medium." Applicants therefore believe that the claims clearly are directed to statutory subject matter in accordance with the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility.

35 U.S.C. §112 Rejection of the Claims

Claim 21 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claim 21 has been amended. The amendment does not narrow the claim, and merely repeats a limitation that already existed in the claim.

35 U.S.C. §102 Rejection of the Claims

Claims 1-2, 4-8, 17, 21-22, 24-26, 30-31, 33-36, 39, 46-47 and 49-51 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stoodley (U.S. 6,813,764). Stoodley discloses a runtime helper routine that resolves an unresolved storage reference within an instruction in compiled code at runtime with a snippet for the unresolved reference. It should be clear that Stoodley discloses resolving an unresolved reference that corresponds to a storage reference particular to a data item and not instructions. Although Stoodley sometimes refers to

“unresolved code,” it should be clear that the “unresolved code” is a target instruction, which is not unresolved, including or having an unresolved storage reference as evidenced by statements throughout the disclosure. *See* Abstract; “a copy of the target instruction including the unresolved reference,” col. 2, lines 23-25; “compile-time unresolved storage references found in Java byte-code,” col. 5., line 14; “information used for resolving the unresolved reference or references in the target instruction,” col. 5, lines 34-36. Stoodley even defines an unresolved storage reference as “the immediate field within that instruction that was unknown at compile time” (col. 6, lines 34-36). Stoodley also provides examples of an “unresolved entity,” none of which are a set of instructions or module, as “an unresolved string, the address of a static data member, the offset from the beginning of an instance of an unresolved instance variable, or the address of an unresolved class object” (col. 5, lines 38-42). Thus, in the context of Stoodley, an unresolved storage reference is merely an immediate field within an instruction.

The Office mistakenly rejects the independent claims with Stoodley by overlooking and/or failing to appreciate the limitations of the independent claims and the particular definition given by Stoodley for the unresolved storage reference as an immediate field within a target instruction. The independent claims recite an unresolved reference to a “set of instructions” or an unresolved reference to an “object module.” Stoodley clearly discloses an instruction having or including an immediate field that is unresolved, but does not disclose or suggest resolving an unresolved reference to a “set of instructions” or to an “object module.” The Office fails to appreciate the distinction between an unresolved immediate field within an instruction, such as the examples given in Stoodley and cited above, and an unresolved reference to a “set of instructions” or to an “object module.”

To illustrate, code development efficiency can be increased by a software development tool, for example, that allows unresolved references to modules to remain unresolved until actually called during runtime. Code that includes references to undeveloped or untested modules can still be executed unfettered as long as the undeveloped or untested modules are not called during runtime. In addition, significantly more resources can be saved by foregoing resolving an “object module” or a “set of instructions” than can typically be saved by foregoing resolving an unresolved immediate field. Stoodley discloses resolving an unresolved reference within a target instruction and fails to disclose or suggest resolving an unresolved reference to a

“set of instructions” or to an “object module.” The claims distinguish over Stoodley and the rejection of these claims should be withdrawn.

35 U.S.C. §103 Rejection of the Claims

Claims 12, 14-16, 41, 43-45 were rejected under 35 USC § 103(a) as being unpatentable over Stoodley in view of Sexton et al. (U.S. 6,434,685). The Office relies on Stoodley to reject independent claims 12 and 41, based on the disclosure of resolving unresolved storage references, as discussed above. The Office also relies on Sexton for disclosure of page alignment.

Neither Stoodley nor Sexton, standing alone or in combination, discloses or suggests the subject matter of either of independent claims 12 and 41. As stated above, Stoodley discloses resolving an unresolved storage reference within an instruction. Stoodley fails to disclose or suggest resolving an unresolved reference to a compiled object module. More specifically, neither Stoodley nor Sexton, standing alone or in combination, discloses or suggests “creating an executable object module that includes symbolic references to addresses in ones of a set of one or more separately compiled object modules... executing the loader subroutine to load one of the separately compiled object modules” as recited in claim 12. Similarly, neither of the references, standing alone or in combination, discloses or suggests “creating an executable object module that includes unresolved references to a set of one or more separately compiled object modules... executing the loader subroutine to load one of the separately compiled object modules” as recited in claim 41. To properly reject the claims, the references must disclose or suggest every limitation of the claims. Since neither of the references applied in the rejection discloses replacing an unresolved reference to a compiled object module with a reference to a loader subroutine and executing the loader subroutine to load the compiled object module, claims 12 and 41 cannot properly be rejected over the combination of references and are allowable over the art of record.

Dependent Claims

The dependent claims were rejected by the Office with a variety of combination of references with Stoodley. Claims 3, 11, 13, 19, 23, 28, 32, 40, 42 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stoodley, in view of “Apple Developer Connection”

Apple Computer Inc. 2001. Claim 9 was rejected under 35 USC § 103(a) as being unpatentable over Stoodley. Claims 10, 18, 20, 27, 29 and 38 were rejected under 35 USC § 103(a) as being unpatentable over Stoodley, in view of Wilson et al. (U.S. 6,701,515). Claims 13 and 42 were rejected under 35 USC § 103(a) as being unpatentable over Stoodley, in view of Sexton et al. as applied to claim 12 above, and further in view of "Apple Developer Connection" Apple Computer Inc. 2001. Claim 37 was rejected under 35 USC § 103(a) as being unpatentable over Stoodley, in view of Chauvel (U.S. 2004/0260911 A1).

All of the dependent claims are allowable over the art of record at least because they depend on corresponding independent claims, which have been shown to be allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 512.628.9320 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

STEVE NAROFF ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
512.628.9320

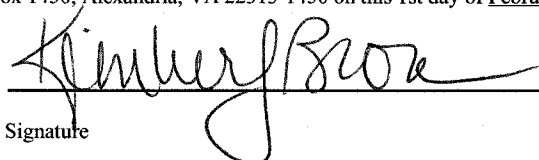
Date 1-Feb-2007

By 
Steven R. Gilliam
Reg. No. 51,734

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1st day of February 2007.

Kimberly Brown

Name



Signature